

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY MARCH 12, 2009

AMENDED IN ASSEMBLY MARCH 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 117

Introduced by Assembly Members Niello and Ma

January 14, 2009

An act to amend Section 5028 of, and to add Section 5058.2 to, the Business and Professions Code, relating to accountants.

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Niello. Accountants.

Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law prohibits a person or firm from using any title or designation in connection with the designation “certified public accountant” or “public accountant” that is false or misleading. A violation of specified provisions related to the practice of accountancy is a crime.

This bill would require the holder of an inactive accountancy license, when using ~~the specified CPA designation titles, designations, or references~~ on correspondence, Internet Web sites, business cards, ~~name plates~~ *nameplates*, or name plaques, to also specify that he or she is inactive. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program. The bill would also make a technical, nonsubstantive change to a related provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5028 of the Business and Professions
2 Code is amended to read:

3 5028. The board may, in accordance with the intent of this
4 article, make exceptions from continuing education requirements
5 for licensees not engaged in public practice, or for reasons of
6 health, military service, or other good cause; provided, however,
7 that if the licensee returns to the practice of public accounting he
8 or she shall meet such continuing education requirements as the
9 board may determine.

10 SEC. 2. Section 5058.2 is added to the Business and Professions
11 Code, to read:

12 5058.2. The holder of an inactive license issued by the board
13 pursuant to Section 462, when lawfully using the ~~CPA designation~~
14 *title “certified public accountant,” the CPA designation, or any*
15 *other reference that would suggest that the person is licensed by*
16 *the board* on materials such as correspondence, Internet Web sites,
17 business cards, ~~name plates~~ *nameplates*, or name plaques, shall
18 place the term “inactive” immediately after that designation.

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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